

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
MARK GOODRIDGE, :
:
Petitioner, : 16cv4477 (DLC)
-v- : 12cr824 (DLC)
:
UNITED STATES OF AMERICA, : ORDER
:
Respondent. :
:
-----X

DENISE COTE, District Judge:

On January 31, 2013, petitioner Mark Goodridge pleaded guilty to a single count of possessing a firearm in furtherance of a crime of violence, in violation of Title 18, United States Code, Section 924(c)(1)(A). The predicate crime underlying Goodridge's conviction was conspiracy to commit Hobbs Act robbery. Goodridge was sentenced to 60 months' imprisonment.

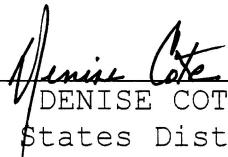
On June 13, 2016, Goodridge filed a petition to vacate, set aside, or correct his sentence pursuant to Title 28, United States Code, Section 2255. Goodridge principally argued that his conviction was no longer valid after the Supreme Court's decision in Johnson v. United States, 576 U.S. 591 (2015). An Order of August 25, 2016 denied Goodridge's petition, concluding that under then-controlling Second Circuit precedent, Johnson's reasoning did not apply to Goodridge's case. See United States v. Hill, 832 F.3d 135 (2d Cir. 2016).

Goodridge then appealed. While his appeal was pending, the Supreme Court decided United States v. Davis, 139 S.Ct. 2319 (2019), in which the Court held that the provision under which Goodrich was convicted was unconstitutionally vague. On January 20, 2021, the Second Circuit vacated the August 25, 2016 Order in light of the Supreme Court's decision in Davis and its decision in United States v. Barrett, 937 F.3d 126 (2d Cir. 2019), and remanded for further proceedings.

In an Order of March 15, the parties were instructed to advise the Court on the need for further proceedings in this case. The Government and Goodridge agree that Goodridge's conviction must be vacated and that no further proceedings are required. Accordingly, it is hereby

ORDERED that Goodridge's June 13, 2016 petition to vacate his conviction and sentence pursuant to 28 U.S.C. § 2255 is granted. Goodridge's January 31, 2013 conviction for possessing a firearm in furtherance of a crime of violence in violation of 18 U.S.C. § 924(c)(1)(A) is vacated.

Dated: New York, New York
April 6, 2021



DENISE COTE
United States District Judge